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A WORD OF INTRODUCTION

This 2000 Annual Report is the first one by the Office of the Federal Ombudsmen to cover a calendar year (from 1 January to 31 December 2000). To ensure this, it was necessary to amend Article 15 of the Act of 22 March 1995 establishing the Federal Ombudsmen (the Federal Ombudsmen Act). The Annual Report, usually submitted to the House of Representatives in October, will in future be submitted by 31 March at the latest. The Office had proposed this modification in its 99/16 general recommendation, and it welcomes the fact that it was possible to introduce it by means of an act[1].

This fifth report by the Office (the fourth one -199/1- concerned the last five months of 1999) is divided into three main parts: for the sake of uniformity, the structure of the annual report has not been changed.

In the first part, "General Considerations", we address certain aspects of the work and functioning of the Office of the Federal Ombudsmen: the methodology (handling of cases, the Rules of Procedure and the Protocol Agreement with the Colleges of the Secretaries General and the Directors General), the refinement of criteria used as a benchmark by the Federal Ombudsmen to evaluate the action of the administration with regard to cases that have been closed, the examination of the type of control it exerts over Civil Service departments (legality, abuse of power, proper administration, good governance and equity), the analysis of the principle of reasonableness and, lastly, management of the budget and of human resources. We also describe the information campaign organised at the end of 1999 and beginning of 2000, with respect to which an initial report was submitted to the Petitions Committee.

The second part, "Statistical Analysis", contains, as in previous years, the general statistics concerning complaints and requests for mediation, followed by figures for each Civil Service department in question.

The third part, "Recommendations", addresses both official recommendations and general recommendations made during the past

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[1] Act of 5 February 2001. *Doc. Parl.*, House of Representatives, Ordinary Session 1999-2000, No 0854 (Chastel, Decroly, De Meyer, Frédéric, Leen and Lejeune).

year as well as a summary of the measures taken by Parliament and the Government in relation to the recommendations from previous years.

We also welcome the fact that the Petitions Committee established its priorities in order to examine the Office's recommendations in depth. A number of recommendations have been forwarded to the House's standing committees for a thorough examination and follow-up. We hope that, as announced by the Speaker of the House[2], these Committees will soon embark on their examination. The task of the Federal Ombudsmen is in fact to inform the House of Representatives, on the basis of the complaints they handle and the cases they investigate, of malfunctioning observed in Federal administrations, and to put forward recommendations to solve this (Article 1.3 of the Federal Ombudsmen Act). However, it is the responsibility of the House of Representatives to carry out or not these recommendations in practice.

Since the end of 2000 (November-December), and like other national mediators, the two Federal Ombudsmen send a written submission to the press: Pierre-Yves Monette to the newspaper Le Soir, and Herman Wuyts to the weekly review Knack. These submissions concerning cases referred to the Office (the names of the plaintiffs are of course changed to prevent identification) enable the general public to find out more about the work and missions of the Office.

On an international level, Pierre-Yves Monette was asked by the Council of Europe and by the International Organisation of the Francophonie (the French speaking community) to cooperate on the "ombudsman" aspect of their "good governance" programme. Herman Wuyts was appointed Director and Vice-President for Europe by the International Ombudsman Institute (IOI) during its 7th World Congress held in Durban, South Africa, from 30 October to 3 November 2000.

Lastly we wish to thank all our staff members. The Federal Ombudsmen Office's team has been virtually complete and final since 1 January 2000. The increasing experience of the team members in handling complaints and requests for mediation is enhancing the quality of our work, something which benefits citizens and the

[2] Speech by Mr Herman De Croo during the official submission of the 1999/1 Annual Report by the Office of the Federal Ombudsmen on 25 October 1999.

administration, as well as Parliament and the Government, which can count on a motivated, competent team working to ensure proper administration.

The Office of the Federal Ombudsmen

Dr. H. Wuyts

P.-Y. Monette

Photo : Murielle Noncle

I.
General Considerations

I. GENERAL CONSIDERATIONS

1. The methodology of the Office of the Federal Ombudsmen (or what does the Office do and how?)

This chapter looks at certain aspects of the action of the Office of the Federal Ombudsmen, thus providing some idea of the work it carries out. During the first four years of existence, the Office constantly refined its working method and has now attained cruising speed. Certain aspects of handling complaints and requests for mediation are obviously discussed here, while at the same time underlining the importance of the Office's Rules of Procedure approved by the House of Representatives and of the Protocol Agreement concluded by the Federal Ombudsmen Office and the Colleges of Secretaries General and of Directors General.

1.1 Analysis of the way cases are handled

The handling of a complaint or of a request for mediation has been based on the same principles since 1997, although the procedure has naturally been refined considerably over the past four years. The time devoted to handling cases is extremely important. From contacts with people outside the Office and from the questions put by members of parliament, it is clear that there is confusion in this domain, which could lead to misunderstandings. Questions relating to the duration of the handling of a case are one example. Mediation work requires efforts in terms of bilateral contacts with the administration in order to solve disputes by means of correspondence backed up by solid arguments or meetings and interviews with the civil servants concerned. This requires considerable research and a significant amount of drafting work. In addition, the Office's reporting mission involves many discussions with members of parliament, both during and outside of committee meetings, and with members of the government and senior civil servants regarding government measures connected with the problems raised by the Office. Lastly, the Office's work involves a very large number of contacts with civil society, which draws its attention to specific cases of malfunctioning within the Civil Service. However the Office staff devote most of their time to the Office's main mission: handling mediation requests and individual complaints. In this respect it is essential to understand the way in which the Office handles a case in order to obtain a clear idea of the work carried out.

Complaints and mediation requests referred to the Federal Ombudsmen may be dealt with in two ways.

The first way is the simplest and most rapid one, but also the least efficient: acting as a go-between. When a case arrives at the Office, it could for instance be forwarded immediately to the Civil Service department concerned, with a request for a response, which the Office would then pass on to the plaintiff, and so on. The Office rejected such an approach from the outset. It would involve questioning the Civil Service on a large number of issues, the substance of which would not be examined by the Office, thus leading it to flood the Civil Service with pointless questions. In the long term, this procedure would not only undermine the Office's credibility, but would also jeopardise its efficiency.

For these reasons the Office of the Federal Ombudsmen opted for a different approach from the outset: it contacts the administration only when necessary. When a complaint or mediation request is received, the citizen concerned receives an acknowledgement of receipt within five working days. If it is clear right away that the request is inadmissible because of one of the criteria set down in the Federal Ombudsmen Act[3], the plaintiff is informed by post. Inadmissibility is not clear in quite a number of cases. The Office must then ask for additional information from the plaintiff. Based on the new information (which is sometimes never sent or sent only much later), the complaint is examined to see whether it is admissible and the request that the complaint be handled is either accepted or refused.

When the complaint or mediation request is accepted, the Office asks the plaintiff, where appropriate, for a detailed description of the facts. Where possible, the Office also asks for a copy of the documents corroborating the plaintiff's version. If there is not the slightest indication of irregularity in these documents, the case is closed, the assessment being that there has been proper administration. Explanations are given to the plaintiff as to why and how the handling of the case has been terminated. In such cases, the Office does not normally approach the administration.

In the other cases, the Office contacts the administration in order to complete the files. A number of plaintiffs in fact never manage to forward to the Office a complete and objective overview of their

[3] Article 9 of the Act of 22 March 1995, Moniteur belge (Official Gazette) of 7 April 1995: facts concern distant past, complaint obviously not founded, plaintiff has not taken prior contacts/steps with the administration, etc.

situation. The Office obtains from the administration its version of the facts and, perhaps, some additional information. In some cases, the administration sends missing information of its own accord. In order to be able to assess the objective nature, exhaustiveness, legality and proper administration aspects of administrative cases, the Office must find out about the background to a complaint or mediation request. Very thorough knowledge of the subject matter is therefore essential: legislation and implementing decrees as well as doctrine and case law must be properly known. The Office staff member dealing with the case thus spends a large part of his or her time preparing and studying the case before starting talks with the Civil Service, where appropriate with the help of the coordinator, the director or the Federal Ombudsman. This is a question of respect, of course, and also of efficiency as regards the Civil Service as well as the civil servant who is generally perfectly well acquainted with his subject. Thus in order to analyse the Civil Service's position and see whether or not it is founded, the subject in question must sometimes be known in great detail, which requires a considerable amount of time. If the same problem crops up regularly, this "study period" will naturally be shorter or even brief.

It is obvious that the Civil Service appreciates this working method which eventually bears fruit. In this respect, it is of paramount importance to be able to work with staff members who have acquired experience (made possible over the past four years through the adoption of statutes first, then through the recruitment of statutory staff members and finally through staff training).

All discussions with the Civil Service are launched on the basis of a complete file, and are as objective as possible. In most cases the talks lead to a solution consisting either of a change by the Civil Service or of the acceptance by the plaintiff of the decision by the Civil Service, once the Office has explained to him the reasons for this decision.

In more complicated, or more delicate, files, the Office investigates the case more thoroughly. In order to do this it may avail of all the means permitted by the law, such as the right to ask for any document necessary to its investigation, the right to relieve the civil servant of his obligation to maintain professional secrecy, the right to go to the Civil Service or, conversely, to invite a civil servant to the Office. Such an investigation may lead either to the proposal of a solution to the dispute or to the organisation of a mediation meeting between the parties concerned. In the latter event, the civil servant managing the institution in question is informed of the mediation. This is generally the case for complex disputes, and

sometimes for those for which some aspects have been the subject of a judgment. It also occurs in relation to those for which disagreement between the Civil Service, the plaintiff and the Office persists, and those in which relations between the parties have significantly deteriorated. The most complicated cases sometimes result in lengthy bilateral meetings at the highest level between the Office and the most senior civil servant and/or the minister himself. In its official recommendations addressed to the administration, the Office insists either that an individual case be resolved or that a situation be abolished that is giving rise to a structural problem encountered in several cases. Following these recommendations, the administration sometimes remedies the disputes itself. If the recommendations are not acted upon, the attention of the House of Representatives, specifically the Petitions Committee (which may refer the matter to another committee) is drawn to the problem. The House may ask the most senior civil servant or the minister concerned to give his or her view and to justify the position criticised by the Federal Ombudsman.

Lastly, in some cases, the Office goes beyond the context of individual cases to put forward general recommendations. They are addressed to the House of Representatives, which has appointed the Petitions Committee to examine these recommendations in the first instance. Where appropriate, the Petitions Committee forwards them to other committees in the House for in-depth discussion. This is in any case what is provided for in the House's Regulation.

The decision to put forward a recommendation and the formulation of a recommendation both require prolonged examination. The Civil Service as well as the members of the Petitions Committee and all the members of the House of Representatives expect the Office to provide a considered opinion. The subsequent debates undeniably gain in quality as a result of this.

The Office's Annual Report looks at the most important cases handled, the problems encountered by the Office and the recommendations put forward.

The Office of the Federal Ombudsmen has always made it a point of honour to devote time and sustained attention to explaining its work to members of parliament, the Civil Service and citizens. It is not surprising that it also attaches considerable importance to discussing its Annual Report and to disseminating it to all interested persons. Once the Annual Report is handed over to the House of Representatives, it is sent free of charge to the Civil Service, academic circles and the judiciary, and is also made available to

citizens in all the public libraries in the country and on the Office's web site (www.federalombudsman.be) (English version under construction).

Managerial-level civil servants who, following the settling of complaints and mediation requests concerning their departments, wish to intervene and learn lessons from the malfunctioning observed, do not have to await the publication of the Office's Annual Report to obtain an insight into the cases dealt with. The Office in fact publishes a quarterly summary plus an evaluation of each case dealt with and solved during that period. The summaries and evaluations (which constitute the Office's jurisprudence) are subsequently forwarded to managerial- level civil servants and published on the Office's Internet web site. This long and exacting work on the one hand contributes to the transparency of the action conducted by the Office of the Federal Ombudsmen, and on the other helps to constantly improve the Civil Service, to the greater benefit of citizens.

1.2 The importance of the Federal Ombudsmen's Rules of Procedure

Article 17 of the Federal Ombudsmen Act runs as follows: "*The ombudsmen shall adopt rules of procedure determining the procedures for handling complaints. The rules of procedure shall be approved by the House of Representatives and published in the Moniteur belge*". Pursuant to this provision, draft rules of procedure were drawn up by the Federal Ombudsmen, which were then discussed and approved by the Petitions Committee in July 1998. They were adopted during the plenary sitting of the House of Representatives in December 1998 and published in the Moniteur belge (Official Gazette) on 27 January 1994.

The Rules of Procedure consist of eleven chapters concerning the implementation of legal measures relating to the handling of complaints and mediation requests: the definition of the most important terms, the purpose of the rules and answers to all of these questions: who can lodge a complaint (it is stated for instance that the House and the Senate can forward petitions to the Office)? What are the reasons for referring a matter to the Office? What conditions must a complaint satisfy? How is a complaint lodged? When is a complaint complete? What can plaintiffs expect from the Office and vice-versa? What decisions can be adopted by the Federal Ombudsmen? What are the different phases of the handling of a complaint? What are the different evaluations that the Federal Ombudsmen may make when closing cases? etc.

The usefulness of these Rules of Procedure has been confirmed by two years of application. They provide the Federal Ombudsmen and their staff, both case managers and administrative assistants, with a guideline. Moreover, the Rules of Procedure describe the rights and obligations of plaintiffs in the context of cases referred to the Office. Lastly, they are essential for the Civil Service to understand the Office's method of operation.

With respect to plaintiffs, the Rules of Procedure specify independence as regards the handling of cases: any influence or pressure exerted by any institution whatsoever on the Office is formally ruled out. In fact Article 7.1 of the Federal Ombudsmen Act states "*Within the limits of their powers, the ombudsmen shall not receive any instructions from any authority*". Both the Office and the House of Representatives have confirmed in the Rules of Procedure that this independence concerns both the method of handling cases and the activities of the Office.

One significant example: Article 10.2 of the Rules of Procedure lays down the obligation of the plaintiff to refrain from making any approach, directly or through an intermediary, to the Civil Service department concerned while the Office is handling the case. If the plaintiff ignores this provision, the Office may terminate its intervention. Apart from the fact that this rule shows consideration for the intervention of the Federal Ombudsman and is intended to ensure that the mediation has every chance of success, it guarantees the Civil Service department in question that the Office will not be subjected to pressure from other bodies.

1.3 Protocol Agreement with the College of Secretaries General and with the College of Directors General of semi-public bodies in the social field

The relations between the Office and the Civil Service are described in the Protocol Agreement concluded with the Civil Service departments and said Federal semi-public bodies. During the phase of obtaining information concerning a complaint, contacts are made with the relevant civil servant. During the investigation, proposal and mediation phases, the most senior civil servant is informed or even involved. This also happens if problems arise during the information phase. The period granted to civil servants for replying to the Federal Ombudsmen is set by agreement at fifteen working days, with the possibility of extending or reducing this if justified by circumstances. At least once a year the Federal Ombudsmen and the College of Secretaries General and that of the

Directors General meet to exchange views on their relations during the period elapsed or to discuss specific problems. During the last meeting with the Secretaries General in the year 2000, the latter expressed interest in making efforts to apply as many of the general recommendations as possible put forward by the Federal Ombudsmen in their Annual Reports. We welcome this move and look forward to seeing this will to intensify cooperation between the Federal Ombudsmen and the Federal Civil Service departments reflected in practice.

For the sake of being comprehensive, we should mention a practice that has emerged on the margins of the protocol agreement, relating to the relations between the Office and a specific ministry or semi-public body. These meetings and discussions concern both individual cases and structural problems. At these meetings, which require meticulous preparation, structural problems that emerged during the handling of individual cases are examined, while the resulting improvements are reviewed. They sometimes provide an opportunity for following up official or even general recommendations tabled by the Office.

Permanent consultations with the various Directorates General of the Ministry of Finance are being arranged, every six months, by a management committee enlarged to include the Federal Ombudsmen and several of their staff members. Problems observed by the Office concerning the Ministry of Finance are raised at these meetings in a more general setting. Bilateral meetings between the Federal Ombudsmen and most of the tax departments are then held to complement these multilateral twice-yearly meetings.

2. The refinement of evaluation criteria of terminated cases

When the Office closes a case, it produces, as we have seen, an evaluation of the administrative action taken in that particular case. The various possible assessments include: "proper administration", "improper administration" (the principle infringed is mentioned), "application of equity" or "case not appraised". In previous years the number of cases not appraised was relatively high: 155 out of 439 (35%) in the previous year (1999/1), 228 out of 717 (32%) in 1999, 344 out of 765 (45%) in 1998 and 70 out of 195 (36%) in 1997, covering the first nine months of the Office's existence. The same applies to this year, in fact, with 432 out of 1 482 (29%). These high percentages may be explained by the fact that the category "cases not appraised" was used as a hold-all solution. It therefore proved necessary to refine the evaluation categories. The nine categories to be used next year are listed below, accompanied by a brief comment.

The "proper administration" assessment is maintained and used when the Civil Service acts properly or when its error is remedied at its own initiative or following the plaintiff's action, but before any other action.

The assessment "proper administration following intervention" replaces the old assessment "improper administration +": it indicates that an error was made by the Civil Service but was remedied following the intervention of the Office. This new wording underlines the positive cooperation of the Civil Service rather than the error itself.

The "improper administration" assessment is applied when the Office's intervention has not produced any positive result, and the Civil Service has maintained its position, which is regarded as illegal or as an infringement of a principle of proper administration or good governance[4].

The "consensus" evaluation was introduced as a category to indicate that a problem had been solved either by means of effective mediation, by solving a misunderstanding or by bringing the conflicting views closer together, without any question of proper or improper administration.

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[4] See "The Office of the Federal Ombudsmen and the supervision of the Civil Service's work and functioning", OFO, 2000 Annual Report, p. 18-25.

"Application of equity" is retained, with a mention of the positive or negative result of the Office's intervention in equity[5].

"Responsibility not determined" and "Responsibility shared" are used when both parties, the plaintiff and the Civil Service, share part of the responsibility for improper administration or when responsibility for improper administration cannot be established.

A case is said to be "closed due to lack of information" when the plaintiff does not forward to the Office the information essential for handling it.

Lastly, the expression "case not appraised" is applied to a case when the problem was solved before the intervention of the Office but after the intervention of a third party other than the plaintiff or after the intervention of the Office itself when it is clear that the latter did not contribute to solving the problem. It may also happen that an individual case was solved without the intervention of the Office, but that the structural problems or regulatory provisions causing the dispute have not yet been solved or modified. In this case the Federal Ombudsmen draw up a "case in principle" and close the plaintiff's individual case with the expression "case not appraised".

For the sake of clarity we must point out that these nine categories concern only cases that have been declared admissible, and which have been dealt with and closed. They must be distinguished from the cases forwarded by the Office to the bodies competent to deal with them ("complaints forwarded"), and from the cases which the Office has no authority to handle ("statements of non- competence / non-admissibility").

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[5] See "Control of equitable administration", OFO, 2000 Annual Report, p. 23-25.

3. The Office of the Federal Ombudsmen and the supervision of the Civil Service's work and functioning[6]

For two centuries in Sweden, and five years in Belgium, the law has granted two essential tasks to the parliamentary ombudsman[7]. The first one, inherent to all ombudsmen, is to attempt to reconcile the views of two or more parties in dispute, in this case between a citizen and a Federal Civil Service department. The second one, carried out by parliamentary ombudsmen everywhere, consists in reporting to Parliament: this means informing the House of Representatives of any malfunctioning of a functional, structural or even normative nature which it has observed. As a collateral body to the House of Representatives in our parliamentary regime[8], the Office of the Federal Ombudsmen thus conducts external administrative control - like the Court of Auditors which conducts external financial control - on which it reports to the House, thus enabling the latter act more effectively in its control of the Executive and in its legislative function.

These two functions of the parliamentary ombudsman – mediator and external supervisor – complement each other, with the task of mediation being both reinforced and underpinned by the supervisory activity. By working towards finding a solution to the disputes referred to it by citizens, the Office of the Federal Ombudsmen is induced to control the proper administration of the Federal public services and to discover any administrative malfunctioning, illegal acts or inequitable decisions. Because it controls the Civil Service, the latter is more inclined to respond favourably to its suggestions and recommendations to modify a decision that may be illegal, unreasonable or unfair.

The Ombudsman's supervision of the Civil Service is not judicial. It may be described as mediation-based: it comprises powers of recommendation, investigation and even injunction, but this is not backed by binding authority. It is based rather on dialogue, agree-

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6 This chapter is based on the article, "*Du contrôle de la légalité au contrôle de l'équité: une analyse du contrôle exercé par l'ombudsman parlementaire sur l'action de l'administration*" (From the control of legality to the control of equity: an analysis of the supervision exercised by the parliamentary ombudsman over the Civil Service's work) by P.-Y. Monette in CBDC (*Chronique belge de Droit constitutionnel* – Belgian Constitutional Law Chronicle) 2001.

7 In Belgium the parliamentary ombudsman has been given a third task consisting in conducting investigations, at the request of the House of Representatives, into the functioning of Federal Civil Service departments.

8 "Quasi-parliamentary authority which performs activities collateral to those of the House of Representatives", as stated in the opinion of the Council of State.

ment and persuasion. However, in its supervision of administrative work, the Ombudsman has a considerably broader scope for interpretation than an administrative or judicial judge. Apart from checking for legality, and more broadly the correct application of the law, as well as abuses of power, the Ombudsman follows other sources of law in his task of supervision (and in fact of mediation): the principles of proper administration, the principles of good governance and lastly the principle of equity. In other words, while it is for judges to apply the law and nothing but the law with penalties where necessary, the parliamentary ombudsman must monitor the quality and legality of the work and functioning of the Civil Service, urge the Executive to ensure proper administration and good governance and, in exceptional cases, recommend that it shows proof of more equity in its decisions, on a consensual basis.

3.1 Control of legality

Control of legality, and more broadly of the correct application of the law, is the basis of all countries governed by the rule of law. It consists of monitoring observance of the law or, more generally, of rules and regulations by the Civil service when it performs administrative action. Rules and regulations include international convention-based law which is directly applicable and the rules laid down under European law, the Constitution, the law and regulations. In addition to monitoring the correct enforcement of the law, control of legality also involves monitoring the correct interpretation of the law by those responsible. This aspect of the control of legality is even more crucial when it comes to supervising the legality of administrative actions: is the Civil Service interpreting correctly the law which it is responsible for implementing? At a time when the Legislative Power tends to increasingly confine its legislative action to setting in place a very general normative framework, leaving it to the Executive to specify or even interpret the rules, it is clear just how crucial it is in a country governed by the rule of law to supervise the correct interpretation of laws by the Civil Service.

Performed both by courts and tribunals and by administrative jurisdictions such as the Council of State, this control of legality is now also the responsibility of the parliamentary ombudsman. This control of legality has gradually been refined and become stricter, covering abuses of power: the "control of the due observance of the global legal framework".

3.2 *Monitoring abuses of power or controlling the due observance of the global legal framework*

The Civil Service must not only properly apply the law, it must comply with the entire legal framework. Thus the straightforward observance of a law (*lex* in Latin, hence legality) is not sufficient to justify the decisions of the authorities. In addition to this, the latter must respect the complete body of law (*ius* in Latin), which implies that the acts of the Civil Service must comply with a global legal framework preventing it from exceeding its power, or even *a fortiori* from abusing it. In other words, if the decisions of the Civil Service are to be valid it is not enough that they be founded on a legal text, they must also comply with other rules which are recognised as having force of law: the general principles of law[9]. In other words the Civil Service cannot justify the validity of its decision regarding a citizen solely by invoking the fact that it complies with the law or with a rule of positive law, without any consideration of the general framework within which all administrative actions must be situated and of the requirements of compliance with this framework, which all acts by the authorities must respect. In so doing the Civil Service would in fact be exceeding or even abusing its power.

These general principles of law, an autonomous source of law, were not created by the legislator, the courts or the ombudsman, but were "recognised"[10] by doctrine and by judicial bodies and mediation bodies responsible for controlling of the due observance of the global legal framework. Some of them actually end up being incorporated into positive law by the legislator or even into the Constitution. As an official source of law, these general principles have the same legally binding nature as the law.

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[9] They include the principles of non-abuse of power, of equality and non-discrimination, of the right of defence and of a debate in the presence of both parties, of impartiality and objectivity, of administration in full knowledge of the facts, of legal certainty (no retrospective effect, clarity and accessibility of administrative acts), of reasonableness, of proportionality, of prohibiting the Civil service from disposing - free of charge - of Civil Service property, of the separation of Powers, of the permanence of the State and of the continuity of the public service, of the adaptability of the service or law of change and also of the principles of *"patere legem quam ipse feisti"* and *"non bis in idem"*.

[10] "*constatés*" (in French): this term was devised by W. Ganshof van der Meersch, "*Propos sur le texte de la loi et les principles généraux du droit"* (comments on the text of the law and on the general principles of law), J.T., 1970, p. 557.

NB. Control by the Federal Ombudsman of the Civil Service from the point of view of the principle of reasonableness, one of the general principles of law, is discussed in Chapter 4.

3.3 The supervision of proper administration

The principles of proper administration[11] constitute an informal source of law, in other words emerging law or soft law. They impose upon administrative action a quality requirement which is greater than that of the law alone and of the general principles of law. A decision by the Civil Service might well be legal (justified in terms of the law) and conform to the general legal framework, yet still incorrect, in other words it may be criticised in terms of the quality of the public service and of the criteria of proper administration. While they have no legally binding force (unlike the general principles of law), the principles of proper administration are nevertheless fundamentally important in refining the rule of law. They are, so to speak, the ISO standards of the administrative machinery. Supervising proper administration thus concerns positive emulation rather than control involving sanctions. This is precisely why this control is in the hands of the parliamentary ombudsman, whose aim is the consensus- based quest for better administration[12].

Some principles of proper administration, such as that of justifying administrative acts, were set down in a law with general scope and therefore have binding legal value. With regard to them, there has been a shift from supervising proper administration to controlling legality. Others, such as the principle of diligence, were combined in a law selectively without being imposed as such on all administrative acts. For instance, the act of 23 March 1999 on contentious proceedings in the field of taxation provides for a time limit within which regional taxation directors must issue a decision on the complaints referred to them, following which the taxpayer becomes entitled to bring his dispute before fiscal jurisdictions[13]. The

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11 They include the principles of diligence (a reasonable time limit), of justification of administrative acts, of active and passive information, of legitimate confidence (fair-play), of courtesy, of appropriate access, of transmission to the competent service, of filing and finally of conscientious management (transparency and professionalism).

12 In this connection see "The evaluation criteria of the Office of the Federal Ombudsmen", OFO, 1999 Annual Report, p. 25-33.

13 This legislative amendment satisfied one of the general recommendations tabled in 1997 by the Office of the Federal Ombudsmen: GR 97/8. See OFO, 1997 Annual Report, p. 63-64; OFO, 1998 Annual Report, p. 49 and OFO, 1999 Annual Report, p. 72-73.

same applies to the time limits set down in the charter on social security. In some cases, therefore, the principle of diligence will be examined in terms of legality. In others it will continue to be monitored from the point of view of proper administration. Other principles of proper administration have acquired binding force through judicial decisions, with jurisprudence recognising them as general principles of law, thus attributing to them the sanctions of which they were hitherto deprived. This is in fact quite normal, since the destiny of these principles of emerging law is precisely to emerge, to move from the category of law in the process of formation to that of formal law, or from soft law to hard law.

3.4 Supervision of good governance

In addition to its Civil Service, the principles of good governance[14] impose a quality requirement on the State itself, more precisely in relation to its management, organisation, functioning and the values underlying its very existence. Like the principles of proper administration, the principles of good governance mainly consist of soft law, although some of them (and not the least important ones) have been granted the status of rules (sometimes even constitutionally or internationally) or have been recognised as general principles of law, which means that in relation to them, the acts of the Civil Service are subject to a control of legality or even of the due observance of the global legal framework rather than a simple supervision of good governance.

As an external controller of the administrative machinery, the parliamentary ombudsman has full authority as regards supervision of proper administration, he is competent in relation to the supervision of good governance only when it is a question of checking aspects relating to the management, organisation, functioning and values of the State that are likely to have an impact either on the functioning or on the action of its administrative machinery and are likely to be the subject of a complaint or of a request for mediation. Otherwise the supervision of good governance is the responsibility of other State bodies, starting of course with the Par-

[14] This includes the principles of observance of democratic values, respect for human rights and fundamental liberties, respect for the rule of law, effective justice, participation by citizens, a fair balance (in other words the Civil Service is subject to the same requirements as those imposed on citizens, or the rejection of "two weights, two measures"), precaution (or prudence), security, financial rigour, transparency, efficiency, effectiveness, integrity, morality, responsibility, the sound use of public resources and lastly adequate and continuous training of executives.

liament for political aspects of good governance (parliamentary control), and including the Court of Arbitration, the courts and tribunals, the Court of Auditors and the Council of State for good governance that has been "elevated" to the rank of positive law or of a general principle of law, the Supreme Council of Justice, the Standing Committees controlling the police services and intelligence services, the Centre for Equal Opportunities and for combating racism, etc. Hence a defective judicial mechanism or persistent lack of security does not involve a malfunctioning of the administration itself and the parliamentary ombudsman therefore is not competent in this respect. However if other principles are ignored, whether by the Civil Service itself or as a result of either regulations or laws which the Civil Service must implement, then this is subject to the monitoring of the Office of the Federal Ombudsmen[15]. This is the case in particular when a decision is taken following consultations between several actors or when it concerns a specific group.

3.5 Control of equitable administration

While the mediation mission entrusted to the parliamentary ombudsman is aimed at protecting citizens against any administrative malfunctioning, whether this takes the form of the infringement of a law, an abuse of power or the ignoring of a principle of proper administration or of a principle of good governance, it is also intended to preserve citizens from injustice under the law. In this context, the ombudsman is no longer involved in controlling legality, legal nature, proper administration or good governance, but is acting in relation to equity. The principle of equity is an even more informal source of law than the principles of good administration or of good governance. It can no longer be described as emerging law, properly speaking, but rather as corrective law. In this respect, its role in humanising the law could not be more important. Calling briefly to mind the analysis of the action by the Office of the Federal Ombudsmen in relation to equity which we included in

[15] In 2000, the Office thus recommended to the Minister of Finance, on the basis of the principle of fair balance, to take a measure to redress the imbalance in the fiscal regulation which grants taxpayers a very short period of only three months to lodge complaints against any mistakes made by the tax authorities, whereas the latter have three years (this period can be extended to five years in some cases) to rectify any errors made by taxpayers. This imbalance is all the more unjust since, unlike the tax authorities, taxpayers are not tax specialists, and the extremely short period of three months often involves a series of disastrous consequences for taxpayers.

the 1997 Annual Report[16], equity is a principle of natural law: equity law in Anglo-Saxon legal systems is in fact known as "Natural Justice".

The place of equity in the rule of law can be justified by the fact that it is impossible for the legislator, when it enacts a law, to foresee all the possible special and unpredictable consequences, in view of the numerous individual situations this law will encounter. There are thus cases when carrying out the law to the letter causes consequences which conflict fundamentally with the higher sense of justice. In Continental legal systems such as ours, certain corrective measures can be applied to these exceptional cases. Sometimes the law grants Civil Servants the power of assessment. The latter may thus apply the law flexibly in order to ensure that the consequences are better adapted to individual situations. When the law is silent on certain points, or when it is not clear and is open to interpretation, the Civil Service can also correct the harshness of the law – or the silence of the law – with a more flexible interpretation. However, in cases in which the Civil Service finds its hands tied, with the exception of the re-classification of the facts submitted to it (see Chapter 4), it has no other option but to apply the letter of the law in accordance with the well- known saying *dura lex sed lex (the law is hard, but it is the law). It is precisely for this reason that recourse to equity has developed: when the conditions for application are met, aequitas contra legem* permits the avoidance of iniquitous enforcement of the law.

Control of equitable administration is the prerogative of the parliamentary ombudsman. In a system of separation of powers, it is inadvisable to make it possible for civil servants to determine equity. The necessary legal certainty of the rule of law is at stake. Just as the interpretation of laws by means of authority is a matter only for the law, ie. the legislator, it is essential that it is a body which is auxiliary to the legislator which is empowered by the law[17], in individual and quite exceptional cases, not to align itself strictly with the law so that it can recommend that the Civil Service apply the law flexibly or even not apply it at all[18]. The extension of

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16 "The Office of the Federal Ombudsmen and the principle of equity", OFO, 1998 Annual Report, p. 14-21.

17 Article 84 of the Constitution.

18 Based on legal certainty, Article 108 of the Constitution prevents the Civil Service from suspending the enforcement of laws at its own initiative; only a law may suspend the enforcement of laws. In this respect, see the negative opinion by the Council of State concerning the bill put forward by Mr Chastel and Mr Maingain (Doc. Parl., House of Representatives, ordinary session 2000-2001, No 0889/002, p. 2165).

this mission of controlling equitable administration, which must, of course, be handled with extreme restraint, explains why the parliamentary ombudsman assumes responsibility for the solutions reached on the basis of equity, thus covering for civil servants who have gone beyond their powers by following his recommendations on equity and who must not be held responsible because they acted on the recommendation of the parliamentary ombudsman, who is legally empowered to do this. Another extension of the control of equitable administration by the parliamentary ombudsman requires that when the latter notes that the enforcement of a law leads too often to situations of serious iniquity, he shall no longer act in relation to equity but shall recommend to the legislator, more structurally, either to amend the law in question or to interpret it.

4. The Office of the Federal Ombudsmen and the principle of reasonableness [19]

Through this mission of supervising the action and functioning of the Civil Service, the parliamentary ombudsman is constantly induced to refine the law and to make our legal system more flexible. This pioneering role can be perceived in a quite striking manner in relation to the principle of reasonableness. A general principle of law, the principle of reasonableness is indisputably one of the main requirements imposed on each act by the Civil Service. A fundamental tool for controlling any abuses of power by the Civil Service, the principle of reasonableness is related to concepts such as appropriateness, fair assessment, non-arbitrary nature and proportionality with which all administrative decisions must comply.

Abuse of power and the principle of reasonableness

Monitoring abuse of power is, with respect to several aspects, exclusively legal: is the Civil Service competent to take such a decision? Is the decision not marked by formal and procedural irregularities? Has the Civil Service respected the purpose of the power entrusted to it? There is also a factual aspect: the checking of the reasons of fact invoked by the Civil Service to justify its decision. The checking is threefold: first, the **existence** (or materiality) of facts is analysed on the basis of the administrative decision, then their **classification** by the Civil Service is examined, and lastly the **assessment** by the Civil Service is studied. While the existence or otherwise of a fact leaves in principle no room for discussion, the same does not apply to the classification of a fact, since the exercise may often be conducted in several different ways (classification of a fact means the operation consisting of classifying a fact in a legal category predetermined by a rule of law). This is even more true of the assessment of a fact, which consists in considering and analysing the fact, such exercise resulting in a Civil Service decision that responds as closely as possible to the fact, as previously established and then classified.

This is precisely where the principle of reasonableness is applied: it requires of the Civil Service that it establishes a balance between

[19] This chapter is based on the article "*Le principe du raisonnable dans l'action administrative*" (the principle of reasonableness in administrative action) by P.-Y. Monette, in CDPK (*Chroniques de Droit public – Publiekrechtelijke Kronieken* – Public Law Chronicles), 2001, No 3.

the fact which gives rise to its decision and the decision itself (assessment), and this after having previously classified this fact by placing it in a quite balanced way in one or other legal category (classification). In other words verifying the reasonable nature of an administrative decision will first concern the quality of the legal classification of a fact by the Civil Service, and next and above all, its assessment, namely the choice of making the administrative decision correspond to a particular fact.

Mandatory act of law, public order act or act of law which must be strictly interpreted, in relation to the principle of reasonableness

One might be tempted to believe that an act of law would take precedence over the principle of reasonableness simply because it is mandatory or is, *a fortiori*, a public order act[20]. Nothing could be more inaccurate. The mandatory nature of an act, whether or not it is a public order act, indicates that it must be enforced, without any room for derogation by those to whom it is addressed or by those who must enforce it. However, this mandatory nature does not mean that in enforcing this law, the Civil Service is not subject to the principle of reasonableness. There has in fact been some long-standing confusion between the concept of "mandatory act" and that of reasonable enforcement, whereas in fact one concerns the obligation to enforce the law and the other the way in which the enforcement must be conducted. The sophist belief that because an act must be enforced, it can be enforced in any way, even unreasonably, is obviously quite inaccurate.

It might also be thought that an act to be strictly interpreted would also take precedence over the principle of reasonableness. This is not true either although this area is more complicated than it appears. In fact, even when the assessment of the fact (in other words the choice of a specific administrative decision in response to a given fact) is categorical in the case of an act to be strictly interpre-

[20] A mandatory act, unlike non-mandatory provisions, is an act which is enforced despite any provision to the contrary. An act of law is moreover a public order act when its mandatory nature is justified by the protection of the essential interests of the State and of the community, or of the very bases on which the economic or moral order of society are founded.

ted, the classification of this fact by the Civil Service beforehand can always be controlled from the point of view of the principle of reasonableness.

Discretionary power and the principle of reasonableness

While the situation requires subtlety as far as tied powers are concerned, the principle of reasonableness must, however, be applied in full in the cases in which the Civil Service's power of assessment is absolute *i.e.* when it has discretionary powers. Discretionary authority does not mean arbitrary authority, since all power is subject to law, going beyond legislation. Thus even when the legislator grants (as it does increasingly) discretionary powers to the Civil Service for the enforcement of an act, the Civil Service always finds that its discretionary power is confronted with supervision as regards reasonableness. In addition to verifying the existence of the facts, supervision relating to reasonableness will ensure that no obvious classification or assessment errors were made by the Civil Service. While it is indisputably true that this supervision of reasonable administration carries monitoring abuse of power (or the due observance of the global legal framework) to the frontier of supervision of advisability, it does not however cross the red line, since the distinction between objective legal nature and circumstantial advisability is sufficiently clear to prevent them from being confused.

Law is not an exact science. On the contrary, it is a human science, a characteristic which the law in fact draws from its … humanity. Supervision of reasonableness is an essential tool that restores humanity to the law when this is neglected.

5. Logistical management

The Office of the Federal Ombudsmen continued to pursue the policy it has conducted in previous years in relation to organisation and staff, as well as financial matters and the budget.

5.1 Staff

The shift from temporary staff to statutory (thus, permanent) personnel[21] was practically entirely completed during the year 2000.

The table below shows the staff at 1 January 2001.

Level	Language		Sex		Status		Total staff	Total framework of the personnel
	Dutch-speaking	French-speaking	M	F	Statutory	On Contract		
A	11	10	13	8	19 (*)	2	21	24
B	5	6	3	8	11	0	11	12
C	1	1	1	1	0	2	2	2
D (**)	1	1	0	2	0	2	2	2
Total	18	18	17	19	30	6	36	38+2 (**)

(*) including 2 special advisers with temporary mandate (the administrator and the director),
(**) cleaning staff, similar to Level D, article 4 of the framework of the personnel

There was a reduction of one unit in the staff compared with the situation at 1 January 2000.

The number of staff members on contracts dropped from 10 to 6. At 1 January 2000, there were three case managers on contracts, who occupied the vacant posts of senior officials (*auditeurs)* and junior officials (*attachés)* until the next recruitment competition organised in cooperation with SELOR (Federal State recruitment body). This was done on 1 September 2000: the vacant posts of junior and senior officials were filled by statutory staff members, which automatically terminated the fixed-term contracts of the persons concerned. At 1 January 2001, the Office still had one case manager on contract to replace a statutory staff member who had left the Office. The Office will recruit a statutory official to fill this post at the beginning of 2001. Moreover (at least with regard to posts requiring university degrees), only the position of informa-

[21] OFO, 1999 Annual Report, p. 44-47; Rapport annuel / Jaarverslag 1999/1 Annual Report, p. 9-10.

tion technology official was still held by a member on contract. The Office will also embark on a recruitment drive for this post at the beginning of 2001 (junior post). As for the four remaining members of staff on contracts, at levels C and D, the organisational framework of the personnel approved by the House states explicitly that, given the special nature of these posts, they can be occupied by employees on contracts.

In 2001 the Office of the Federal Ombudsmen will focus on completing the process started in 2000 with a view to appointing four coordinators, each one of whom will head a team (known as a "section") dealing with complaints and mediation requests relating to a specific sector of the Federal Civil Service. At the end of 2000, two of the statutory staff members who may be considered for this position passed the assessment conducted in cooperation with SELOR. An examination (with assessment) will be held in 2001 to recruit candidates for the other two positions (special advisers with temporary mandate), also in cooperation with SELOR.

5.2 Staff management

The human resources policy described in the previous annual reports was pursued, albeit with further refinements. The efforts by the Office to conduct an optimal policy in this regard were approved by the Court of Auditors during its first audit of the Office's accounts for the 1999 budgetary year[22].

5.3 Financial and budget management

The Office's 2001 budget provides for allocations for a total of BEF 122 240 000. This slight increase (3%) compared with 2000 is mainly due to the increased allocations for staff (recruitment of members to fill the organisational framework of the personnel, normal evolution of careers and index-linking of salaries). This increase is strictly in line with the multi-annual estimate presented and approved by the House in 1998 when adopting the staff regulations.

5.4 Management of the equipment

Various logistical tasks were performed mainly in-house, either with or without the cooperation of third parties, but always with as few staff members as possible.

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[22] Report of the Court of Auditors included in the Report by Ms Z. Genot of 29 June 2000 to the Accounts Committee, *Doc. Parl.*, House of Representatives, 1999-2000 Ordinary Session, 50 0773/001, p. 15.

Very special efforts were made to extend the information technology system during the year 2000. The priority was the development of an internal case monitoring management system which, while remaining simple, had to be able to offer many operating tools as reliably and efficiently as possible, such as statistics, management-related information, etc. This system will be introduced during the first quarter of 2001 and will be the main focus of future IT developments at the Federal Ombudsmen Office.

II.
STATISTICAL ANALYSES

II. STATISTICAL ANALYSES

1. Introduction

The figures given in the various tables always refer to the situation at 31 December 2000. Following on from the 1999 Annual Report (1 October 1998 – 31 July 1999) and the 1999/1 Annual Report (1 August 1999 – 31 December 1999), and mindful of the new Article 15 of the act of 22 March 1995 establishing the Federal Ombudsmen (see above), the period covered by this 2000 Annual Report is twelve months (1 January 2000 – 31 December 2000).

It is useful to bear in mind the following explanations when analysing the various Federal ministries.

– A case being handled may concern either a complaint or a mediation request.

– With the exception of semi-public bodies operating in the social field and of the semi-public bodies and the public corporations which are not attached to a specific ministry from an organisational point of view, we will analyse semi-public bodies together with their supervisory ministry, although we are quite aware that these institutions do not form part of the ministry properly speaking.

– Pursuant to Article 14 of the Coordinated Laws on the Council of State, a minister is also a Federal administrative authority. The Office of the Federal Ombudsmen is therefore also competent to evaluate his (purely administrative) action in the course of handling a complaint or a mediation request.

2. Some figures

2.1 The twelve-month period covered by the 2000 Annual Report

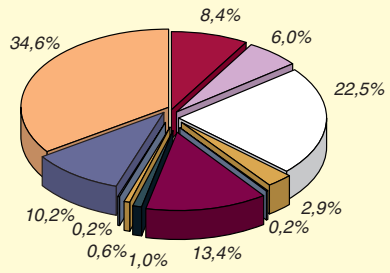
A total of 4 041 cases are analysed in this report. Of these, 43 were filed during the nine months covered by the 1997 Annual Report (these cases were closed during this year), 104 during the twelve months covered by the 1998 Annual Report (including 76 which were closed during this year), 872 during the fifteen months covered by the 1999 and 1999/1 Annual Reports and, lastly, 3 022 during the twelve-month period covered by this 2000 Annual Report (this last figure shows an annual increase of almost 31.5% of the number of cases compared with the previous year).

Up until the end of 2000, the Office of the Federal Ombudsmen as a rule closed the handling of individual cases within three years at the most and, where necessary, monitored the problem in question in a more general way by means of cases of principle (the vast majority of cases were, however, closed following a few months or one year).

As of 1 January 2001, with certain exceptions, this maximum time limit for handling cases was reduced from three to two years.

The cases are broken down in accordance with the ten phases of handling listed under Article 12 of the Rules of Procedure of the Office of the Federal Ombudsmen (*Moniteur belge*, 27 January 1999, p. 2339-2345): acknowledgement of receipt, information procedure, investigation, mediation process, statements of non-competence / non-admissibility, suspension of handling procedure, proposal, official recommendation, complaints forwarded and finally, termination of the procedure, or else a simple request for information when it is not a complaint or a mediation request, properly speaking.

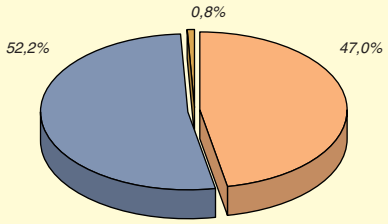
Break-down according to the handling phases



	Number
Requests for information	341
Complaints of which receipt has been acknowledged	241
Information procedures	911
Investigation procedures	117
Mediation processes	8
Statements of non-competence / non-admissibility	540
Suspensions of handling procedure	40
Proposals	26
Official recommendations	8
Complaints forwarded	411
Terminations of the procedure	1398
TOTAL	4041

These complaints are also broken down according to the language in which they were filed: French: 1 899, Dutch: 2.110, others (including German): 32.

Break-down of complaints per language

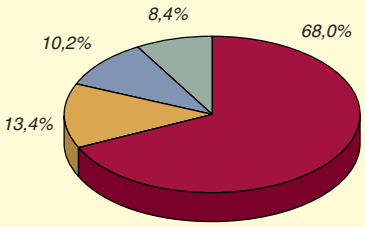


	Number
French	1899
Dutch	2110
German / others	32
TOTAL	4041

Some of these complaints (a total of 540) were in fact inadmissible. Others (411) were forwarded to other parliamentary ombudsmen or to mediation bodies within the Civil service departments or even to the administrative authority which had taken the disputed decision (in the absence of any competent parliamentary or administrative ombudsmen). Lastly, a number of requests for information (341) were forwarded to the institutions concerned or to the information officer of the latter. With the exception of these files, the Office of the Federal Ombudsmen thus actually dealt with 2.749 complaints.

The cases that are not admissible or forwarded represent a considerable part of the workload of the Office of the Federal Ombudsmen. In a number of cases, the decision to declare a case inadmissible or to transmit it to another body cannot be taken until the elements have been examined in depth. The same applies to requests for information which are received at the Office by telephone. The latter are generally not included in the statistics although they constitute a significant amount of work (only written requests for information are included).

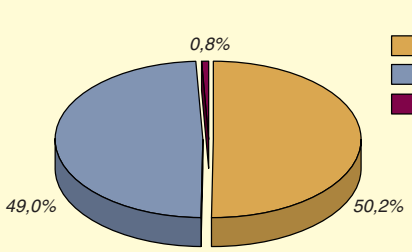
Break-down of complaints to be dealt with (Admissibility of complaints)



	Number
Complaints to be dealt with	2749
Statements of non-competence / non-admissibility	540
Complaints forwarded	411
Request for information	341
TOTAL	4041

The complaints actually handled (*i.e.* the admissible files) are broken down according to the language in which they were made: French: 1.380, Dutch: 1.348, others (including German) : 21.

Break-down of complaints to be dealt with per language



	Number
French	1380
Dutch	1348
German / others	21
TOTAL	2749

The College of the Federal Ombudsmen forwarded complaints to the following Community or Regional parliamentary ombudsmen, mediation bodies within the Civil service departments or institutions:

Recipients of the forwarded complaints and requests for information	**Number of complaints**
Ombudsman of the Flemish Community / Region (Vlaamse ombudsman)	58
Ombudsman (mediator) of the Walloon Region	5
Police Supervisory Committee	17
Supreme Council of Justice	30
Mediation body for pension-related complaints	50
Mediation services attached to independent public corporations	15
Ombudsmen and mediators abroad	2
Judicial Power	1
Federal administrative authorities	201
Authorities of Communities and Regions	62
Local authorities	14
Mediation services in the private sector (banks, insurance companies, etc.)	15
Information officers in the various Civil Service departments	160
Federal Information body	7
Others (National Bar, medical or notaries public associations, etc.)	62
Total	**699**

The Office's evaluation criteria (see OFO, 1999 Annual Report, p. 25-32) were applied to the complaints handled and now being terminated. They have been evaluated and broken down as follows :

Proper administration: No administrative malpractice was noted by the Office of the Federal Ombudsman when handling these files. The complainants were informed of this.

Improper administration: Malpractice was noted by the Office of the Federal Ombudsmen when dealing with these files. Such malpractice was defined by its violation of the principles of proper administration (see OFO, 1999 Annual Report, p. 33; OFO, 2000 Annual Report, part I, 2).

Application of equity: This concerns all the quite exceptional cases in which, while a decision by the Civil Service may fully respect legality, the global legal framework and the principles of proper administration and good governance, it runs counter to the natural feeling of human justice, thereby inducing the Office of the Federal Ombudsmen to invoke equity in order to ask the Civil Service to modify the decision in question (see OFO, 1998 Annual Report, part I, 6; OFO, 2000 Annual Report, part I, 3.5).

Cases not appraised: The Office of the Federal Ombudsmen here assembled the files for which

– the responsibility for the malpractice is shared between the complainant and the administration;

– the complaint itself or the solution to the complaint was not clear. It may in fact happen that a complainant does not comply with a request from the Office of the Federal Ombudsmen for more information;

– the complaint is resolved before the Office could intervene;

– a solution is found without it being certain that the intervention of the Office of the Federal Ombudsmen contributed to this; or

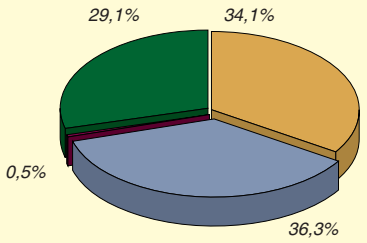
– the problem raised may have been expressed in general terms without direct intervention by the Office of the Federal Ombudsmen being possible at this stage.

NB: The above list of possible evaluation was used for the last time. As from 1 January 2001, the Office will use a more detailed one (see OFO, 2000 Annual Report, part I, 2).

The following graph gives an overview of the 1.398 closed files, which were evaluated as follows: 505 "proper administration", 538:

"improper administration", 7: "application of equity", 432: "cases not appraised". The existing difference between the number of evaluated files and closed files lies in the fact that one complaint might concern several authorities, each of them being evaluated at the time the file is closed.

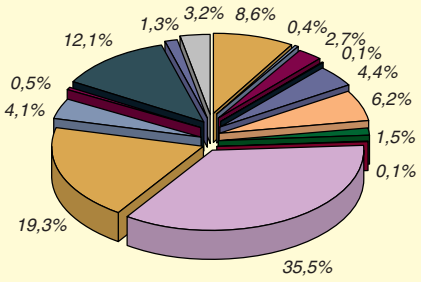
Evaluation of terminated cases



	Number
Proper administration	505
Improper administration	538
Application of equity	7
Cases not appraised	432
TOTAL	1482

The following graph gives an overview of the evaluation criteria applied for the 538 closed cases that were designated "improper administration". The same remark as above (for the number of evaluations for one file) can be made here concerning the evaluation of one file: since more than one criterion may have been violated by the administration in relation to a case, several criteria may be used to evaluate the same file. Therefore, the total amount of violations of these criteria (753) is higher than the number of files (538).

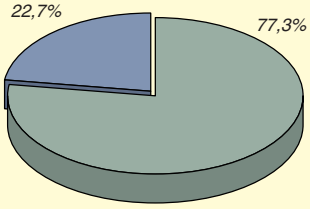
Improper administration according to criteria



	Number
Proper application of the rules of law	65
Equality	3
Reasonableness	20
Impartiality	1
Legal certainty	33
Legitimate confidence	47
Compliance with the Charter of Public Service Users	11
Right to defence	1
Reasonable time limit for handling	267
Conscientious handling	145
Justification of administrative acts	31
Keeping appropriate files	4
Active and passive information	91
Courtesy	10
Appropriate access	24
TOTAL	753

The following graph shows the results of the intervention by the Office of the Federal Ombudsmen in the cases closed under "improper administration". Intervention should be understood as all the suggestions, proposals, mediations and recommendations by the Office. Negative or positive result means that the intervention was either effective or not effective.

Result of intervention in cases of improper administration

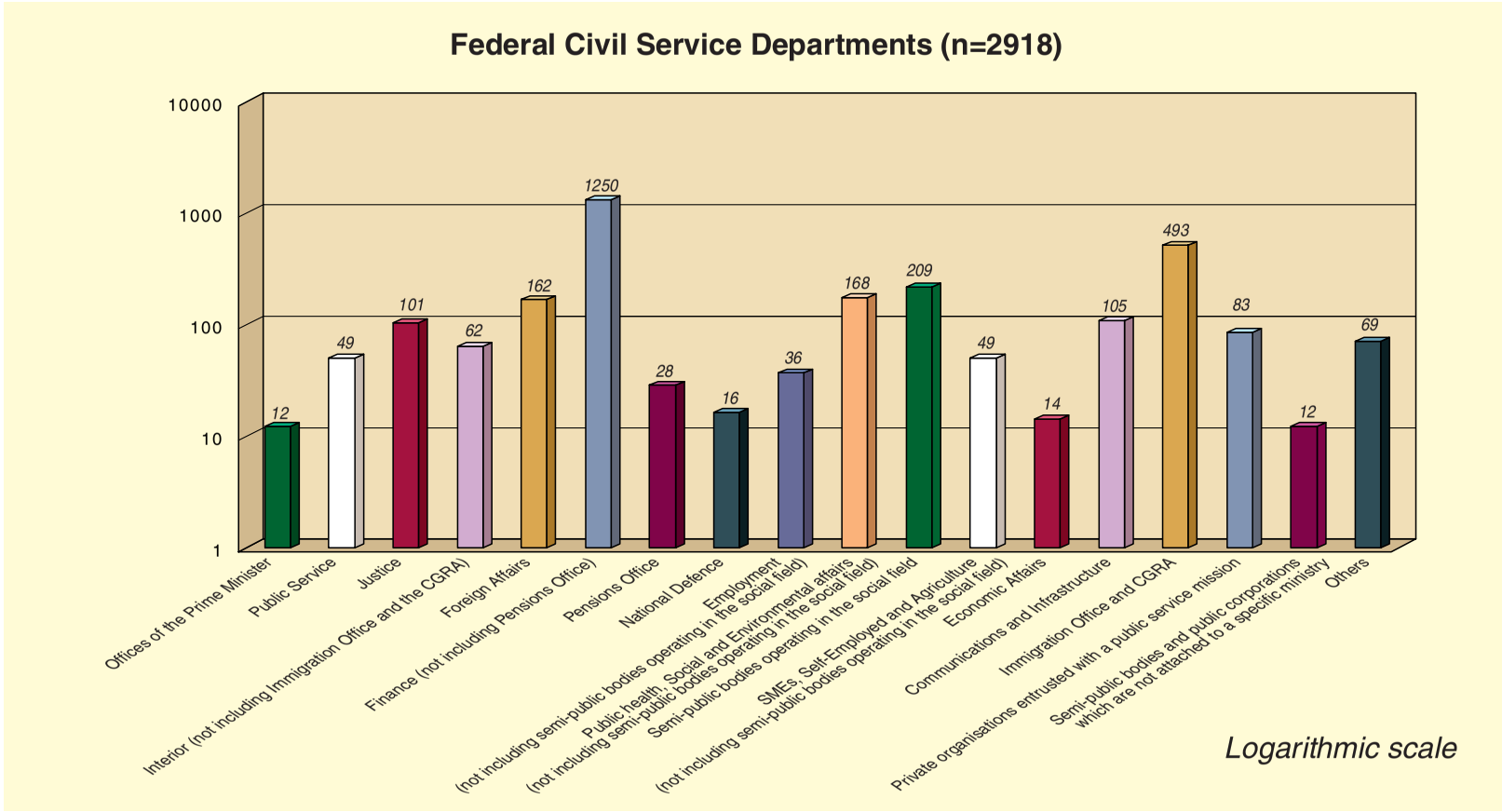


	Number
Positive	416
Negative	122
TOTAL	538

Break-down by Civil Service department of the various complaints handled by the Office of the Federal Ombudsmen is as follows :

Federal Civil Service Departments	Number	%
Offices of the Prime Minister	12	0,4%
Public Service	49	1,7%
Justice	101	3,5%
Interior (not including Immigration Office and the National Commissioner for Refugees and Stateless Persons (CGRA)	62	2,1%
Foreign Affairs	162	5,6%
Finance (not including Pensions Office)	1250	42,8%
Pensions Office	28	1,0%
National Defence	16	0,5%
Employment (not including semi-public bodies operating in the social field)	36	1,2%
Public health, Social and Environmental affairs (not including semi-publicbodies operating in the social field)	168	5,8%
Affaires sociales, Santé publique et Environnement	209	7,2%
SMEs, Self-Employed and Agriculture (not including semi-public bodies operating in the social field)	49	1,7%
Economic Affairs	14	0,5%
Communications and Infrastructure	105	3,6%
Immigration Office and CGRA	493	16,9%
Private organisations entrusted with a public service mission	83	2,8%
Semi-public bodies and public corporations which are not attached to a specific ministry	12	0,4%
Others	69	2,4%
TOTAL	**2918**	

The number of complaints per department (2.918) is higher than the one of admissible complaints (2.749) as more than one administrative authority may be concerned by one file.


Federal Civil Service Departments (n=2918)
10000
1000
100
10
1
12
49
101
62
162
1250
28
16
36
168
209
49
14
105
493
83
12
69
Offices of the Prime Minister
Public Service
Justice
Interior (not including Immigration Office and the CGRA)
Foreign Affairs
Finance (not including Pensions Office)
Pensions Office
National Defence
Employment
(not including semi-public bodies operating in the social field)
Public health, Social and Environmental affairs
(not including semi-public bodies operating in the social field)
Semi-public bodies operating in the social field
SMEs, Self-Employed and Agriculture
(not including semi-public bodies operating in the social field)
Economic Affairs
Communications and Infrastructure
Immigration Office and CGRA
Private organisations entrusted with a public service mission
Semi-public bodies and public corporations
which are not attached to a specific ministry
Others
Logarithmic scale

2.2 *The impact of the information campaign conducted by the Office of the Federal Ombudsmen*

With reference to the report evaluating the impact of the information campaign conducted by the Office of the Federal Ombudsmen (as submitted to the House during the year 2000) and of the Annual Report 1999/1, a final evaluation is presented in this annual report.

It can be seen from a comparison of the three months preceding the campaign and of the three months following it that the number of cases more than doubled from 390 to 805. This represents an average of 268 cases per month compared with 130 previously. This increase continued for the entire year 2000: 3 022 new files were lodged, of which 341 were requests for information, which means that (3 022 – 341) 2 681 complaints or requests for mediation were introduced, thus an average of 223 per month.

Non-admissible and forwarded complaints amounted to 39% for the three months preceding the campaign, a percentage which dropped to 28% for the three months following the campaign. The figure for the entire year was 31.9%.

There is no meaningful lesson to be drawn from the figures for each month.

The belief in the months following the campaign that the brochure presenting the Federal Ombudsmen to the general public had acted as a positive filter as regards the reduction in the number of complaints that were inadmissible or transmitted to the competent authority was partly confirmed during the remainder of the year 2000.

In conclusion, the campaign had a very positive influence, and not only during the three months afterwards: the increase in the number of cases submitted to the Office on an annual basis is in fact still very significant (223 per month compared with 130 previously). This reflects the growing reputation of the Federal Ombudsmen Office among citizens. However constant efforts are still required in this respect.

As for the number of complaints that were inadmissible and forwarded to the competent authority (qualitative aspect of the cases referred to the Office), the effect was also very positive during the period immediately following the campaign, resulting in a smaller number of such requests, only to increase again later but stabilising at a level below than the initial number. This indicates that the

brochure should be distributed again, and that new steps should be taken in this respect. The second, more limited campaign to be conducted in 2001 (February-March) is therefore essential.

III.
RECOMMENDATIONS

III. RECOMMANDATIONS

The recommendations by the Office of the Federal Ombudsmen are either "general" or "official". Pursuant to Article 15.1 of the Federal Ombudsmen Act, the former are sent to the Legislative Authority (more particularly, the House of Representatives, but they are also of interest to the Senate when they concern legislative improvements). The latter, in line with Article 14.3 of the said act, are sent to the Executive Authority (the Civil Service and the Government).

General recommendations concern either improvements of a legislative nature, in relation to which the Parliament may take the initiative, or administrative malfunctioning of a regulatory, cyclical or structural nature, for which the Parliament may exercise its power of control over the Executive.

In *official recommendations*, the Civil Service is requested to modify a decision brought before the Office, for which the latter has concluded that there had been a violation of legality or non-compliance with the principles of proper administration, or for which it has invoked equity [23]. In *official recommendations* the Civil Service or minister responsible may be asked to solve an administrative malfunctioning of a regulatory, cyclical or structural nature on the basis, where appropriate, of the specific solutions proposed by the Office.

1. General recommendations (GR)

1.1 General recommendations – 2000

GR 00/1: the declaration of marriage.

The Office of the Federal Ombudsmen recommends that the system of replacement of an authentic copy of the birth certificate by a succession of other documents, provided for under Article 5 of the Code on Nationality, be applied to the marriage declaration procedure, as set down under Articles 63 and after of the Civil Code.

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[23] See "The Office of the Federal Ombudsmen and the supervision of the Civil Service's work and functioning ", 2000 Annual Report, part I.3.

GR 00/2: the procedure for changing surnames and first names.

The Office of the Federal Ombudsmen recommends that Article 335 §3.2 of the Civil Code should be amended to take account of the case law of the Court of Arbitration, as the latter considered that the requirement whereby a spouse must consent to the change of name of a child born from adulterous intercourse was unconstitutional.

GR 00/3: training in communication and reception for all tax administration officials

The Office of the Federal Ombudsmen had already expressed the wish in 1999 (in its general recommendation 1999/10) that systematic and regular training be given to tax collection officials in communicating with and receiving taxpayers. Given the similar problems encountered in other sectors of the tax authorities, the Office of the Federal Ombudsmen recommends that this training should be extended to all tax officials. It could form part of the basic training programme for new officials in the tax administration.

GR 00/4: payment of road traffic tax by automatic debit

At the moment it is impossible to pay the road traffic tax by automatic debit from bank accounts, since the authorities consider that the taxpayer must pay this tax of his own accord, regardless of whether or not he receives an invitation to pay. Notwithstanding the adjustment to the consumer price index at 1 July of each year of the scales for this tax, payment of it by automatic debit would run the risk of late payments due to the negligence of taxpayers, with the ensuing consequences. In this respect the management and transmission of data between the Tax Collection Authorities and the Postchèque services should be automatic.

GR 00/5: the abolition of the taking into account of the income of the person with whom a disabled person had been living following the separation of the persons concerned.

Pursuant to the regulation on allowances for the disabled, the income of the spouse or of the person with whom the disabled person is living is taken into account when calculating these allowances. In other words, a disabled person living with a partner or spouse receiving income often cannot benefit from allowances since the income of the household exceeds the authorised ceilings. In the event of the separation of the spouses or partners, these allowances are calculated on the basis of the income of the disabled person only, provided that the separation has lasted at least one year. Du-

ring the first year of separation, the income of the spouse or partner continues to be fictitiously added to those of the disabled person when calculating his allowances. The Office of the Federal Ombudsmen considers that this provision is not at all appropriate in the case of unmarried partners, between whom there is no legal duty of assistance. The disabled person often has no other solution but to contact the CPAS (social welfare) in his municipality while waiting for the end of the first year of separation so that his allowances will be calculated on the basis of his income alone. The Office of the Federal Ombudsmen therefore recommends that the regulation in force be amended so that the effects of separation be taken into account immediately when determining the income to be taken as a basis for calculating the allowances for the disabled.

1.2 Follow-up during the year 2000 of the 1999, 1998 and 1997 general recommendations

The GR/99 were set down in the 1999 Annual Report, p. 61-69, and in the Rapport annuel/Jaarverslag 1999/1, p. 127-130.
The GR/98 were set down in the 1998 Annual Report, P. 47-48.
The GR/97 were set down in the Annual Report 1997, p. 61-68.
The general recommendations mentioning a problem already solved during the previous years are not listed here.

GR99/1: increasing the resources of the Office of the Federal Ombudsmen as an instrument for promoting and protecting human rights.

This general recommendation is currently being examined by the Petitions Committee. However no further progress has been recorded.

GR 99/2: The establishment of an *ad hoc* commission entrusted with monitoring the implementation of the law on formal justification of administrative acts. (This general recommendation is similar to GR 97/7.)

The Petitions Committee decided to place this general recommendation on its agenda (*Doc. Parl.*, House of Representatives, 1999-2000 Ordinary Session, No 0570/001, p. 37). Given the crosscutting nature of this general recommendation, which concerns the entire Federal Civil Service, the Minister of the Public Service is obviously the most appropriate authority for implementing it.

GR 99/3: External control of administrative acts and of the functioning of administrative jurisdictions.

No progress has been recorded regarding the examination of this general recommendation. The Supreme Council for Justice has been operating since 2 August 2000. It deals with administrative acts and the functioning of jurisdictions of a judiciary nature, which thus underlines the absence of a body empowered to exercise the same control over administrative jurisdictions. Complaints of this kind are regularly referred to the Office, but it cannot deal with them and must therefore discard them. It calls once more for the establishment of the control of administrative acts and of the functioning of administrative jurisdictions.

GR 99/4: The evaluation of additional staffing needs of certain Civil Service departments.

GR 99/5: The adoption of measures to ensure that the general public is more aware of the existence and missions of information officers. (This general recommendation is similar to GR 97/6). The Petitions Committee has decided to place the general recommendations 99/4 and 99/5 on its agenda.

GR 99/6: The obligation for citizens to produce documents, whereas the Civil Service may have or could easily have the means of obtaining them itself.

The Petitions Committee has decided to place general recommendations 99/4 to 99/6 on its agenda (*Doc. Parl.* House of Representatives, 1999-2000 Ordinary Session, No 0570/001, p. 37). This annual report has indicated many times just how necessary these recommendations are even today. Given the crosscutting nature of these general recommendations, which concern the entire Federal Civil Service, the Minister of the Public Service is obviously the most appropriate authority to implement them.

GR 99/7: International adoption.

The Council of Ministers adopted a preliminary draft act in March 2000 reforming the adoption system, the aim being to make the necessary modifications to Belgian law to ensure the implementation in our country of the Hague Convention of 29 May 1993 on the protection of children and on co-operation in international adoptions. This satisfied the concern expressed by the Federal Ombudsmen. The prior amendment of Belgian adoption law is in fact indispensable for the ratification of this international instrument by Belgium, as pointed out by the Council of State in its opinion on the preliminary draft act approving the Hague Convention. This

preliminary draft act has returned from the Council of State and is currently being adapted to take account of its opinion.

GR 99/8: Problems arising when a property is evaluated by the tax authorities.

The Office of the Federal Ombudsmen regularly receives complaints concerning the lack of information and justification when properties are evaluated by the tax authorities. The informal procedure involving the tax department and the taxpayer, recommended in the previous annual reports, concerning the exchange of arguments before the setting of the fiscal value by the authorities, is therefore still valid. No progress has been made, however, regarding this recommendation.

GR 99/9: The extension of the possibilities of tax relief at decentralised level by rectifying (the data of) the initial tax assessment.

In its two previous annual reports, the Office of the Federal Ombudsmen had already recommended more frequent resort to this specific procedure of tax relief as a way of speeding up the solution of less complex disputes. This procedure should also permit taxpayers to benefit from tax advantages that have not been claimed, often because they were unaware of them. This procedure is undoubtedly extremely flexible. The Office notes that the Minister of Finance has in fact adopted such tax relief procedure. The latter then enshrined this procedure in an act on 19 July 2000, the aim being in particular to cope with disputes generated by the system of taxation of allowances paid pursuant to the law on occupational accidents and illnesses. The Office's general recommendation calls for a broadening of the instances in which this procedure may be applied.

GR 99/10: Special training for tax collection officials.

To date no start has been made on effectively implementing this recommendation. Tax collection officials who so wish may follow a training module at the Federal Civil Service Training Institute, provided that their workload permits this. The Office calls for training to be given each tax collector. In 2000 the Office of the Federal Ombudsmen tabled a new general recommendation (GR 00/3) similar to this one but covering all tax administration officials.

GR 99/11: Recurrent blocking of teachers' pension files.

The Petitions Committee considered that the attention of the competent minister should be drawn to this problem (*Doc. Parl.*, House of Representatives, 1999- 2000 Ordinary Session, No 0570/001, p.

32). This general recommendation was not forwarded to the competent minister, however and thus no progress has been made.

GR 99/12: The consideration of military service when calculating pensions relating to colonial or overseas service.

The Petitions Committee decided to forward this general recommendation to the Social Affairs Committee (*Doc. Parl.*, House of Representatives, 1999-2000 Ordinary Session, No 0570/001, p. 35). No further progress has been made, however.

GR 99/13: The lack of transparency of the Medical Association.

The Petitions Committee decided to forward this recommendation to the Public Health Committee, where it was added to the draft relating to the rights of patients, which is currently being discussed (*Doc. Parl.*, House of Representatives, 1999-2000 Ordinary Session, No 0570/001, p. 36).

GR 99/14: The in-depth examination of the regulation on the exchange of foreign driving licences.

The Petitions Committee decided to forward this recommendation to three Committees *i.e.* the Infrastructure, External Relations and Home Affairs (*Doc. Parl.*, House of Representatives, 1999-2000 Ordinary Session, No 0570/001, p. 34-36). However no progress was made regarding this general recommendation.

GR 99/15: The legal protection of the term "*ombudsman*" (this recommendation should be read together with GR 97/1).

The Petitions Committee has embarked on the examination of this general recommendation. A colloquium dealing partly with this matter was organised by this Committee and by the House Presidency on 15 January 2001. No further progress has been made on this general recommendation.

GR 99/16: The lodging of the Annual Report of the Office of the Federal Ombudsman with the House in the spring rather than in October.

A bill to this effect, amending Article 15.1 of the organic act of 22 March 1995 establishing the Office of the Federal Ombudsmen, was adopted by the House of Representatives on 7 December 2000 (submitted by Chastel, Decroly, De Meyer, Frédéric, Leen and Lejeune / act of 5 February 2000) (see OFO 2000 Annual Report, A word of introduction).

GR 99/17: the discrimination between pension systems as regards the waiving of recovery of amounts not due.

The report by the Petitions Committee concerning the Annual Report 1999/1 from by the Office of the Federal Ombudsmen containing this general recommendation had not been approved by this Committee at the time when this annual report was being completed. No progress has therefore been made regarding this recommendation (the only one in the Annual Report 1999/1).

GR 98/1: The administration's use, in the context of Article 9.3 of the act of 15 September 1980, of confidential criteria, contrary to the principle of administrative transparency and to the principles of legal certainty and legitimate confidence.

The circular of 15 December 1998 laying down the criteria for legalisation of status (*régularisation*) was a significant first step as regards the principle of administrative transparency. The Office had stressed, however, that legal certainty could not be satisfied by this mechanism. The act of 22 December had the merit, therefore, of meeting this requirement. The Office recalls that the scope of this act is limited to applications for legalisation of status made during a specific period following the publication of the act.
The House of Representatives also decided to submit this general recommendation to the Finance Committee in so far as it concerns the use of confidential criteria by some tax authorities (see *Doc. Parl.*, House of Representatives, 1998-1999 Ordinary Session, No 2139/1, p. 30). No further steps were taken regarding this general recommendation.

GR 98/2: The issuing, in one form or another, of an acknowledgement of receipt establishing the submission of documents to a Civil Service department.

During the examination of the 1997 and 1998 Annual Reports by the Office, the Petitions Committee adopted this general recommendation and the House decided to ask the competent minister to take the necessary measures (see *Doc. Parl.*, House of Representatives, 1998-1999 Ordinary Session, No 2139/1, p. 19, 25 and 29). This annual report has indicated many times just how necessary this recommendation is even today. Yet it has not yet been forwarded to the competent minister and no further steps have been taken. Given the crosscutting nature of this general recommendation, which concerns the entire Federal Civil Service, the Minister of the Public Service is obviously the most appropriate authority for implementing it.

GR 97/1: The confusion created by the use in the Act of 22 March 1995 establishing the Office of the Federal Ombudsmen of the term « *médiateur* » **in French and** « *ombudsman* » **in Dutch, since these two terms do not cover the same concepts** (this recommendation should be read together with GR 99/15 on the legislative protection of the term "ombudsman"). The Petitions Committee has started examining this general recommendation. A colloquium dealing partly with this matter was organised by this Committee and by the House Presidency on 15 January 2001. No further progress has been made on this general recommendation.

GR 97/2: Constitutional Recognition of the Office of the Federal Ombudsmen.

The Petitions Committee has adopted this general recommendation (see *Doc. Parl.*, House of Representatives, 1998-1999 Ordinary Session, No 2139/1, p. 29). Since it has been declared that Article 28 of the Constitution may be revised, this permits the constitutional recognition of the Office of the Federal Ombudsmen. The Office therefore hopes that a proposal or draft amendment to the Constitution will be tabled and discussed in 2001.

GR 97/3: The establishment of the Office of the Federal Ombudsmen as a second level of mediation, after the primary bodies (such as the sectoral mediation services and complaint services).

The Petitions Committee has started examining this general recommendation. A colloquium dealing partly with this matter was organised by this Committee and by the House Presidency on 15 January 2001. No further progress has been made on this general recommendation.

GR 97/4: The suspension of deadlines for judicial appeal while the matter is before the ombudsman.

This general recommendation is currently being examined by the Petitions Committee, which has already heard representatives of the Ministers of the Interior and of Justice, of the Council of State, of universities and of lawyers. This general recommendation was also the subject of a bill (*Doc. Parl.*, House of Representatives, 1999-2000 Session, No 0853/001 – O. Chastel).

GR 97/5: The possibility of the Office of the Federal Ombudsmen asking the Court of Arbitration for a preliminary ruling.

The Petitions Committee has started examining this general recommendation (see OFO, 1998 Annual Report, p. 23-29; 1997 Annual Report, p. 15). This Committee devoted several meetings to the

matter in 2000, hearing representatives of the Ministers of the Interior and of Justice in particular. However no further progress has been made.

GR 97/6: The failure of the Civil Service to respond to citizens' correspondence, or excessive slowness in responding. (This general recommendation is similar to GR 99/5).

GR 97/7: Transparency in administration. (This general recommendation is similar to GR 99/2).

The Petitions Committee adopted these two general recommendations and the House decided to invite the competent minister to take the necessary measures (*Doc. Parl.*, House of Representatives, 1998-1999 Ordinary Session, No 2139/1, p. 26). However these general recommendations have not yet been forwarded to the competent minister and no further progress has been made.

GR 97/11: Dispute between two Civil Service departments regarding which of the two has to pay costs due to a citizen, who consequently becomes the victim of their disagreement.

The House decided to forward this general recommendation to the Committee on Internal Affairs, General Affairs and the Public Service. However no further progress was made (*Doc. Parl.*, House of Representatives, 1998-1999 Ordinary Session, No 2139/1, p. 28). Given the crosscutting nature of this general recommendation, which concerns the entire Federal Civil Service, the Minister of the Public Service is obviously the most appropriate authority for implementing it (see GR 99/2).

GR 97/12: A legislative measure to enshrine the parliamentary ombudsman's recourse to the principle of equity in the Act of 22 March 1995 establishing the Office of the Federal Ombudsmen. Such recourse was provided for in the preparatory work to this law and in the Office's Rules of Procedure.

The Petitions Committee decided to place this general recommendation on its agenda. No further progress has been made since then. The Office underlines the importance of this general recommendation given the bottlenecks in different departments as regards the handling of complaints referred to it and for which it has invoked equity (*Doc. Parl.*, House of Representatives, 1998-1999 Ordinary Session, No 2139/1, p. 30; OFO, 1999 Annual Report, p. 26-27, 1998 Annual Report, p. 14-21). This general recommendation is also the subject of a bill (*Doc. Parl.*, House of Representatives, 1999-2000 Session, No 889 – O. Chastel and O. Maingain).

GR 97/13: The long period for handling files by the Closed Companies Compensation Fund.

The preliminary bill concerning compensation for employees in the event of the closure of a company, mentioned in the previous annual report, has in the meantime been submitted to the Council of State.

GR 97/17: The introduction of an ombudsman at local and provincial levels.

The House's Petitions Committee decided to include this general recommendation on its agenda, but no further progress has been made (see OFO, 1998 Annual Report, p. 12; OFO, 1997 Annual Report, p. 26-29). This general recommendation was also the subject of a bill (*Doc. Parl.*, House of Representatives, 2000-2001 Session, No 955/001 – De Meyer, Decroly, Frédéric and Goutry).

GR 97/20: The possibility for the Office of forwarding a complaint to the Standing Committee for Language Supervision.

No further progress was made on this general recommendation in the past year (see OFO, 1997 Annual Report, p. 35).

2. Official recommendations (OR) [24]

2.1. Official recommendations – 2000

OR 00/1 Finance, 2000 Annual Report
OR 00/2 Justice and Foreign affairs, 2000 Annual Report
OR 00/3 Finance, 2000 Annual Report
OR 00/4 National Employment Office, 2000 Annual Report
OR 00/5 Minister of Employment, 2000 Annual Report
OR 00/6 Finance, 2000 Annual Report
OR 00/7 Social Affairs, 2000 Annual Report
OR 00/8 Finance, 2000 Annual Report
OR 00/9 Social Affairs, 2000 Annual Report
OR 00/10 Pensions, 2000 Annual Report
OR 00/11 Finance, 2000 Annual Report
OR 00/12 Finance, 2000 Annual Report

[24] Official Recommendations are sent to the administrative authorities. They are made out on the basis of Article 14.3 of the Act of 22 March 1995 establishing the Office of the Federal Ombudsmen.

OR 00/13 Minister of Social integration, 2000 Annual Report
OR 00/14 Finance, 2000 Annual Report

2.2. Official recommendations – 1999

OR 99/1 Finance, 1999 Annual Report
OR 99/2 Psychologists' Commission, 1999 Annual Report
OR 99/3 Treasury Administration, 1999 Annual Report
OR 99/4 Pensions Ministry, 1999 Annual Report

2.3. Official recommendations – 1998

OR 98/1 National Employment Office, 1998 Annual Report
OR 98/2 Interior, 1998 Annual Report
OR 98/3 Foreign Residents' Office, 1998 Annual Report
OR 98/4 Belgian National Railway Company (SNCB), 1999 Annual Report
OR 98/5 Foreign Residents' Office, 1998 Annual Report
OR 98/6 National Employment Office, 1998 Annual Report
OR 98/7 Finance, 1998 Annual Report
OR 98/8 National Employment Office, 1998 Annual Report
OR 98/9 Finance, 1998 Annual Report
OR 98/10 Foreign Residents' Office, 1998 Annual Report
OR 98/11 National Employment Office, 1998 Annual Report
OR 98/12 Foreign Residents' Office, 1998 Annual Report
OR 98/13 Social Affairs, 1998 Annual Report
OR 98/14 Foreign Residents' Office, 1998 Annual Report
OR 98/15 Foreign Residents' Office, 1998 Annual Report
OR 98/16 Industrial Accidents Fund, 1998 Annual Report
OR 98/17 Finance, 1998 Annual Report
OR 98/18 Foreign Residents' Office, 1998 Annual Report

2.4. Official recommendations – 1997

OR 97/1 Communications and Infrastructure, 1997 Annual Report
OR 97/2 Foreign Residents' Office, 1998 Annual Report
OR 97/3 Social Affairs, 1997 Annual Report
OR 97/4 Social Affairs, 1997 Annual Report

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